

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA**

**THOMAS H. KRAKAUER,**  
**on behalf of a class of persons,**

**Plaintiff,**

**Civil Action No. 1:14-cv-00333-CCE-JEP**

**v.**

**DISH NETWORK, L.L.C.,**

**Defendant.**

**Plaintiff's Notice of Filing of Claim Form Documents, with  
Joint Request for Limited Ruling Regarding the Use of the Court Seal**

As the Court directed in its September 12, 2017 Order (Doc. 361), Plaintiff is filing a modified claim form, instructions, and mailing envelope (Exhibit 1). These forms make minor alterations to the Court's approved documents, and through a productive meet-and-confer, the parties have agreed to all modifications except one.

At the suggestion of the Claims Administrator, Plaintiff proposes to place the seal for the United States District Court for the Middle District of North Carolina on the envelope and claim form. Plaintiff and the Claims Administrator believe that use of the seal will emphasize the significance of the documents, and will cause class members to review and respond to them. Further, while the documents are not being sent by the Court, they are being sent at the Court's direction and under its supervision, and therefore use of the seal is appropriate. Plaintiff and the Claims Administrator agree that the decision to include the seal is committed to the Court's discretion.

DISH has concerns about Plaintiff's proposal to include the seal on the envelope and claim form, and adjacent to the name of Kurtzman Carson Consulting ("KCC"). In DISH's view, use of the MDNC seal has the potential to create the misimpression that this mailing is coming directly from the Court and that KCC is part of the U.S. federal court system. Because of that potential for confusion, DISH raises this issue to the Court's attention, for the Court to decide whether or not the MDNC seal should or should not be on the envelope and claim form.

To facilitate timely mailing of these documents, the parties respectfully request an expedited decision.

Respectfully submitted,

/s/ John W. Barrett

John W. Barrett  
Brian A. Glasser  
Bailey & Glasser LLP  
209 Capitol Street  
Charleston, WV 25301  
Telephone: (304) 345-6555  
jbarrett@baileyglasser.com  
bglasser@baileyglasser.com

/s/ J. Matthew Norris

J. Matthew Norris  
Norris Law Firm, PLLC  
1033 Bullard Court, Suite 207  
Raleigh, NC 27615  
(919) 981-4775  
(919) 926-1676 facsimile  
jmn@ncconsumerlaw.com

Matthew P. McCue  
The Law Office of Matthew P. McCue  
1 South Ave., Third Floor  
Natick, MA 01760  
Telephone: (508) 655-1415  
mmcue@massattorneys.net

### **CERTIFICATE OF SERVICE**

I hereby certify that on October 27, 2017, I electronically filed the above document with the Clerk of Court using the CM/ECF system, which will send notifications of such filing to all counsel of record.

/s/ John W. Barrett  
John W. Barrett